



Senate

General Assembly

File No. 339

January Session, 2003

Substitute Senate Bill No. 1046

Senate, April 14, 2003

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING INVASIVE PLANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2003*) (a) There shall be an Invasive
- 2 Plants Council which shall consist of the following members: (1) The
- 3 Commissioner of Agriculture, or the commissioner's designee; (2) the
- 4 Commissioner of Environmental Protection, or the commissioner's
- 5 designee; (3) the director of the Connecticut Agricultural Experiment
- 6 Station, or the director's designee; (4) the dean of the College of
- 7 Agriculture and Natural Resources at The University of Connecticut,
- 8 or the dean's designee; (5) a representative of Invasive Plant Atlas of
- 9 New England appointed by the minority leader of the Senate; (6) one
- 10 representative of a nonprofit environment association with a
- 11 demonstrated knowledge of invasive plants appointed by the speaker
- 12 of the House of Representatives; (7) one representative of a nonprofit
- 13 association concerned with growers and retailers of plants and flowers
- 14 appointed by the president pro tempore of the Senate; (8) one
- 15 representative of a nonprofit association concerned with oceans, lakes

16 and rivers appointed by the Governor; and (9) one representative from
17 a company that grows or sells flowers and plants appointed by the
18 minority leader of the House of Representatives.

19 (b) The council shall annually elect a chairperson from among its
20 members who shall convene and preside over the council meetings.
21 Such meetings shall be held at least twice per year. The council may
22 create work groups as necessary.

23 Sec. 2. (NEW) (*Effective July 1, 2003*) (a) The Invasive Plants Council
24 shall: (1) Develop and conduct a program to educate the general public
25 and merchants and consumers of aquatic and land-based plants as to
26 the problems associated with invasive plants; (2) make
27 recommendations to control and abate the spread of invasive plants;
28 (3) make available information regarding invasive plants available to
29 any person or group who requests such information; (4) annually
30 publish and periodically update a list of plants considered to be
31 invasive and potentially invasive; and (5) support those state agencies
32 charged with protecting the environment in conducting research into
33 the control of invasive plants, including, but not limited to, the
34 development of new varieties of plant species that do not harm the
35 environment and methods of eradicating and managing existing
36 species of invasive plants.

37 (b) The council may, with a two-thirds vote of its membership,
38 make a recommendation to the joint standing committee of the General
39 Assembly having cognizance of matters relating to the environment
40 that the retail sale and purchase of any plant listed as an invasive plant
41 pursuant to section 3 of this act be prohibited. In considering whether
42 to make such recommendation, the council may consider: (1) The
43 estimated dollar value of sales of said plant in the state; (2) the
44 estimated costs associated with eradication of the plant in the state; (3)
45 the potential effect of the plant on the environmental resources of the
46 state or a region within the state; and (4) the estimated effect on
47 property values in the state or a region of the state where said plant
48 may propagate.

49 (c) The council may conduct or recommend research on the problem
50 of invasive plants.

51 (d) The council may use such funds as may be available from
52 federal, state or other sources and may enter into contracts to carry out
53 the purposes of this section.

54 (e) The council shall report, in accordance with section 11-4a of the
55 general statutes, to the joint standing committee of the General
56 Assembly having cognizance of matters relating to the environment on
57 or before February 1, 2004, and on January first annually thereafter,
58 concerning the council's accomplishments of the past year and
59 recommendations for the upcoming year, including, but not limited to,
60 recommendations to prohibit the retail sale and purchase of any
61 invasive plant listed pursuant to section 3 of this act. In reporting
62 recommendations to prohibit the retail sale and purchase of any
63 invasive plant, the council shall also submit the names of any plant
64 considered for such recommendation, information relating to the
65 findings required under subsection (b) of this section and the vote of
66 each council member on such recommendation.

67 Sec. 3. (NEW) (*Effective July 1, 2003*) (a) In publishing and updating
68 the list of invasive plants required under section 2 of this act, the
69 Invasive Plants Council shall determine that a plant possesses the
70 following characteristics before it is included on such list: (1) Is
71 nonindigenous to the state; (2) is naturalized or has the potential to
72 become naturalized or occurring without the aid and benefit of
73 cultivation in an area where the plant is nonindigenous; (3) under
74 average conditions, the plant has the biological potential for rapid and
75 widespread dispersion and establishment in the state or region within
76 the state; (4) under average conditions, the plant has the biological
77 potential for excessive dispersion over habitats of varying sizes that are
78 similar or dissimilar to the site of the plant's introduction into the state;
79 (5) under average conditions, the plant has the biological potential for
80 existing in high numbers outside of habitats that are intensely
81 managed; (6) occurs widely in a region of the state or a particular

82 habitat within the state; (7) the plant has numerous individuals within
83 many populations; (8) is able to out-compete other species in the same
84 natural plant community; and (9) has the potential for rapid growth,
85 high seed production and dissemination and establishment in natural
86 plant communities.

87 (b) In publishing and updating the list of potentially invasive plants
88 required under section 2 of this act, before including a plant on such
89 list the Invasive Plants Council shall determine that a plant: (1)
90 Possesses each of the characteristics set forth in subdivisions (1) to (5),
91 inclusive, of subsection (a) of this section; and (2) possesses at least one
92 of the characteristics set forth in subdivisions (6) to (9), inclusive, of
93 subsection (a) of this section.

94 (c) Upon a finding that a plant meets the criteria for listing as an
95 invasive plant under subsection (a) of this section, or as a potentially
96 invasive plant under subsection (b) of this section, prior to listing such
97 plant as invasive or potentially invasive, as applicable, the majority of
98 the council's membership shall approve of such listing. On the request
99 of two or more members of the council, the council shall hold a
100 meeting, open to the public, not later than thirty days prior to the
101 publication of the initial invasive plant list or the addition of any plant
102 to the invasive plant list, as applicable.

103 (d) In listing a plant as invasive or potentially invasive, the council
104 may make recommendations on how to discourage the sale and import
105 of such plants in the state and identify alternative plants to the listed
106 plant for growing purposes.

107 Sec. 4. (NEW) (*Effective July 1, 2003*) No state agency, department or
108 institution shall purchase any plant listed as invasive or potentially
109 invasive pursuant to section 3 of this act, provided nothing in this
110 section shall be construed to prohibit such purchase if such purchase is
111 necessary to honor a state contract in effect as of the date any such
112 plant is listed as invasive or potentially invasive pursuant to section 3
113 of this act. Nothing in this section shall be construed to prohibit any
114 state agency, department or institution from transporting any invasive

115 or potentially invasive plant for educational or research purposes.

116 Sec. 5. Section 15-140e of the general statutes is amended by adding
117 subsection (f) as follows (*Effective July 1, 2003*):

118 (NEW) (f) Any course in safe boating operation approved by the
119 Commissioner of Environmental Protection, as described in subsection
120 (b) of this section, shall include instruction on the proper means of: (1)
121 Inspecting a vessel and trailers used for transporting such vessels for
122 the presence of vegetation; and (2) properly disposing of such
123 vegetation.

124 Sec. 6. (NEW) (*Effective July 1, 2003*) (a) No person shall transport a
125 vessel, as defined in section 15-127 of the general statutes, or any trailer
126 used to transport such vessel, in the state without first inspecting such
127 vessel for the presence of vegetation and properly removing and
128 disposing of any such vegetation from such vessel or trailer.

129 (b) Any person who violates the provisions of this section shall be
130 fined not more than one hundred dollars for each such violation.

131 Sec. 7. Subsection (a) of section 26-6 of the general statutes is
132 repealed and the following is substituted in lieu thereof (*Effective July*
133 *1, 2003*):

134 (a) Conservation officers, special conservation officers and
135 patrolmen appointed by the commissioner under authority of section
136 26-5, shall enforce the provisions of title 23 and this title and chapters
137 246, 247, 248, 255 and 268 and regulations adopted pursuant to such
138 titles and chapters and sections 26-192c to 26-192h, inclusive, 22a-250,
139 29-28, 29-35, 29-38, 53-134, 53-190, 53-191, 53-194, 53-203, 53-204, 53-
140 205, 53a-59 to 53a-64, inclusive, 53a-100 to 53a-117, inclusive,
141 subsection (b) of section 53a-119b, 53a-122 to 53a-125, inclusive, 53a-
142 130, 53a-133 to 53a-136, inclusive, 53a-147 to 53a-149, inclusive, 53a-
143 157b, 53a-165 to 53a-167c, inclusive, 53a-171, 53a-181 to 53a-183a,
144 inclusive, 54-33d, [and] 54-33e and section 6 of this act.

145 Sec. 8. (NEW) (*Effective July 1, 2003*) (a) Notwithstanding the

146 provisions of any ordinance adopted by a municipality, no person
147 shall import, move, sell, purchase, possess, cultivate or distribute any
148 of the following invasive plants: (1) Curly leaved Pondweed
149 (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*); (3) eurasian
150 water milfoil (*Myriophyllum spicatum*); (4) variable water milfoil
151 (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa natans*); (6)
152 egeria (*Egeria densa*); and (7) hydrilla (*Hydrilla verticillata*). Any
153 person who violates the provisions of this subsection shall be fined not
154 more than one hundred dollars.

155 (b) No municipality shall adopt any ordinance regarding the retail
156 sale or purchase of any invasive plant.

157 Sec. 9. Subsection (b) of section 51-164n of the general statutes is
158 repealed and the following is substituted in lieu thereof (*Effective July*
159 *1, 2003*):

160 (b) Notwithstanding any provision of the general statutes, [to the
161 contrary,] any person who is alleged to have committed (1) a violation
162 under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-
163 41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350,
164 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292,
165 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of
166 section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-
167 107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-
168 140, 13a-143b, 13a-247, 13a-253, subsection (f) of section 13b-42, section
169 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b,
170 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
171 subsection (d) of section 14-12, section 14-20a, 14-27a, subsection (e) of
172 section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-
173 50a, 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b, 14-
174 67a, subsection (f) of section 14-80h, section 14-97a, section 14-100b, 14-
175 103a, 14-106a, 14-106c, 14-146, 14-152, 14-153, 14-163b, a first violation
176 as specified in subsection (f) of section 14-164i, section 14-219 specified
177 in subsection (e) of said section, section 14-240, 14-249, 14-250,
178 subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-

179 267a, 14-269, 14-270, 14-275a, 14-278, 14-279, subsection (e) of section
180 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326,
181 14-330, 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-
182 33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15, 16a-
183 22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-
184 149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137, 17b-407, 17b-
185 451, 17b-734, subsection (b) of section 17b-736, 19a-30, 19a-33, 19a-39,
186 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-
187 107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-
188 301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-
189 502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265, 20-324e, subsection (a)
190 of section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
191 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26, 21a-30,
192 subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63, 21a-77,
193 subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-
194 201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-37,
195 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61,
196 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-
197 320h, 22-324a, 22-326, 22-342, subsection (b) or (e) of section 22-344,
198 section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a, 22a-246,
199 subsection (a) of section 22a-250, subsection (e) of section 22a-256h,
200 section 22a-449, 22a-461, 23-37, 23-38, 23-46, 23-61b, subsection (a) or
201 (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-
202 40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117,
203 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227,
204 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161a, 29-161b, 29-198, 29-210, 29-
205 243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10,
206 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28,
207 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-
208 52, 31-52a, 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-
209 74, 31-75, 31-76, 31-76a, 31-89b, 31-134, subsection (g) of section 31-273,
210 section 31-288, 36a-787, 42-230, 45a-450, 45a-634, 45a-658, subdivision
211 (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-
212 34a, 47-47, 49-8a, 49-16, 53-133, subsection (a) or (b) of section 53-211,
213 section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-

214 321, 53-322, 53-323, 53-331, 53-344, [or] 53-450 or subsection (a) of
215 section 8 of this act, or (2) a violation under the provisions of chapter
216 268, or (3) a violation of any regulation adopted in accordance with the
217 provisions of section 12-484, 12-487 or 13b-410, shall follow the
218 procedures set forth in this section.

This act shall take effect as follows:	
Section 1	<i>July 1, 2003</i>
Sec. 2	<i>July 1, 2003</i>
Sec. 3	<i>July 1, 2003</i>
Sec. 4	<i>July 1, 2003</i>
Sec. 5	<i>July 1, 2003</i>
Sec. 6	<i>July 1, 2003</i>
Sec. 7	<i>July 1, 2003</i>
Sec. 8	<i>July 1, 2003</i>
Sec. 9	<i>July 1, 2003</i>

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Department of Environmental Protection	GF - Revenue Gain	Minimal	Minimal
Department of Environmental Protection; Ag. Experiment Station; University of Connecticut School of Agriculture; Department of Agriculture; Various	GF - Cost	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

Membership on the Invasive Plants Council is anticipated to minimally impact the workloads of the Department of Agriculture (DOAG), the Connecticut Agricultural Experiment Station (Station), the College of Agriculture at the University of Connecticut (UConn) and the Department of Environmental Protection (DEP). The Invasive Plants Council currently functions as a working group and this legislation will formalize many existing activities. The publication of the list of plants considered to be invasive is currently produced by the DEP. The coordination of the working group is mainly handled by UConn. The council does not currently receive a specific appropriation.

Requiring that courses in safe boating approved by the DEP include information on inspections, identifying and disposing of invasive plants, is not anticipated to have a fiscal impact. This type of information is already included in courses.

The ban on the purchase of invasive plants by each state agency,

department or institution is not anticipated to have a fiscal impact.

Any revenue increase to the General Fund due to the \$100 maximum fine for transporting a motorboat without inspecting it for specific plants is anticipated to be negligible.

OLR Bill Analysis

sSB 1046

AN ACT CONCERNING INVASIVE SPECIES OF PLANTS AND ANIMALS**SUMMARY:**

This bill creates a nine-member Invasive Plants Council to:

1. educate the public, merchants, and buyers of plants about problems associated with invasive plants;
2. recommend ways to control and abate invasive plants;
3. make available information on invasive plants to anyone who requests it;
4. annually publish and periodically update a list of plants considered invasive or potentially invasive; and
5. support state agencies researching the control of invasive plants through such means as eradicating and managing existing invasive species and developing alternative species that do not harm the environment.

The bill authorizes the council, by a two-thirds vote, to recommend to the Environment Committee that it prohibit the retail sale and purchase of a plant the council determines is invasive. The bill sets out the criteria the council may consider in making such a recommendation, as well as the criteria the council must consider in classifying a plant as invasive or as potentially invasive.

The bill prohibits state agencies from buying plants the council determines are invasive or potentially invasive unless the agency must do so to honor a state contract in effect on the date the plant is listed as invasive or potentially invasive. But a state agency may transport invasive or potentially invasive plants for educational or research purposes.

It prohibits municipalities from adopting ordinances regarding the

retail sale or purchase of any invasive plant and bars the importation, transport, sale, purchase, possession, cultivation, or distribution of seven specific plants, regardless of any municipal ordinance to the contrary. Anyone who violates this provision is subject to a fine of up to \$100, and must follow the procedures the law prescribes for infractions. An infraction is not considered a crime, and violators can pay the fine by mail without making a court appearance.

The bill requires approved Department of Environmental Protection (DEP) safe boating courses to instruct boaters on how to inspect boats and boat trailers for vegetation and how to properly dispose of it. It makes failure to properly inspect and dispose of vegetation before transporting a boat or trailer punishable by a fine of up to \$100 and authorizes conservation officers, special conservation officers, and patrolmen appointed by the DEP commissioner to enforce this provision.

EFFECTIVE DATE: July 1, 2003

DETERMINATION OF INVASIVE SPECIES

The council must determine a plant possesses all nine of the following characteristics to classify it as an invasive plant. It must find a plant meets the first five criteria and at least one of criteria six through nine to be considered potentially invasive. The council must find a plant:

1. is not indigenous to the state;
2. is naturalized, has the potential to be naturalized, or occur without being cultivated in areas in which it is not indigenous;
3. has, under average conditions, the biological potential to spread quickly and widely in the state or a region of the state;
4. has, under average conditions, the biological potential to spread excessively over habitats of varying sizes and types, including those that may differ from the site where it was introduced to the state;
5. has, under average conditions, the potential to exist in large numbers outside of highly managed habitats;

6. occurs widely in a region of the state or in a particular habitat in the state;
7. has numerous individuals within many populations;
8. can out-compete other species in the same natural community; and
9. has the potential for rapid growth, high-seed production or reproduction and dissemination, and establishment in natural plant communities.

A majority of the council must approve listing a plant as either invasive or potentially invasive after it is found to meet the applicable criteria. The council must hold a public meeting at least 30 days before listing a plant as invasive if two council members request it. The council may recommend ways to discourage the sale of plants listed as invasive or potentially invasive and identify alternatives that may be grown in their place.

COUNCIL MEMBERSHIP

Council members must include:

1. the agriculture commissioner, or his designee;
2. the environmental protection commissioner, or his designee;
3. the director of the Connecticut Agricultural Experiment Station, or his designee;
4. the dean of the University of Connecticut's College of Agriculture and Natural Resources, or his designee;
5. a representative of the Invasive Plant Atlas of New England, appointed by the Senate minority leader;
6. a representative of a nonprofit environment association with a demonstrated knowledge of invasive plants, appointed by the House speaker;
7. a representative of a nonprofit association concerned with plant and flower growers and retailers, appointed by the Senate

president pro tem;

8. a representative of a nonprofit association concerned with oceans, lakes, and rivers, appointed by the governor; and
9. a representative of a company that grows or sells flowers or plants, appointed by the House minority leader.

The council must meet at least twice a year, and must annually elect a chairperson from among its members. It may create work groups as necessary, and may conduct or recommend research on the problem of invasive plants. It may use funds available from federal, state, or other sources and may enter into contracts, to carry out its duties.

It must report to the Environment Committee on or before February 1, 2004, and on January 1 each year after. The reports must include the council's accomplishments of the previous year and its recommendations for the coming year, including recommendations to prohibit the retail sale and purchase of any listed invasive plant. The council also must submit the names of any plant considered for such a recommendation, information related to the findings below, and each council member's vote on the recommendation.

Council Findings

In recommending to the Environment Committee that the retail sale and purchase of a plant listed as invasive be prohibited, the council may consider the:

1. estimated dollar value of sales of the plant in Connecticut;
2. estimated costs associated with the plant's eradication;
3. plant's potential effect on the environmental resources of the state or a region of the state; and
4. estimated effect on property values in the state or a region of the state where the plant may grow.

PROHIBITED PLANT SPECIES

The bill prohibits the importation, transport, sale, purchase, possession, cultivation, and distribution of the following plants. A

violation is punishable by a fine of up to \$100.

1. Curley leaved Pondweed (*Potamogeton crispus*);
2. Fanwort (*Cabomba caroliniana*)
3. Eurasian Water Milfoil (*Myriophyllum spicatum*;
4. Variable Water Milfoil (*Myriophyllum heterophyllum*);
5. Water Chestnut (*Trapa natans*);
6. Egeria (*Egeria densa*); and
7. Hydrilla (*Hydrilla verticillata*).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 25 Nay 0